



FIREARMS SEARCH REPORT (MSP-97)

FC No.: 725

Date: 06-16-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

Criminal Law Article 4-206, of the Annotated Code of Maryland, requires the completion of a written report, within 24 hours, after the search or seizure of a handgun. The completion of a Firearms Search Report (MSP 97) will fulfill this requirement when conducting a limited search (patting or frisking) of a person for a handgun when an officer reasonably believes that a person may be wearing, carrying, or transporting a handgun.

II. Legal Requirements

The Firearms Report (MSP-97) must be filled out by any officer who conducts a limited search for a handgun pursuant to ***CR 4-206***.

- A. The MSP-97 must be completed within 24 hours of the search.
- B. The MSP-97 must be completed regardless of the outcome of the search.
- C. A completed MSP-97 shall be sent to the Superintendent of the Maryland State Police (MSP).

III. Procedures (CALEA 1.2.4.b)

- A. The MSP-97 will be utilized when a ***“patting or frisking” of a person for a handgun*** is performed, regardless of the outcome of the search. The ***“patting or frisking”*** may extend beyond a suspect’s clothing to a bag or container that is within the reach of the suspect.

- B. When the MSP-97 is used in the ***“patting or frisking” for a handgun***, it will be completed in duplicate by the investigating officer, signed by a supervisor, and submitted to the **Records Division**. The investigating officer will state in the incident report that a ***limited search, seizure, and arrest***, under ***CR 4-206***, was conducted and an MSP-97 was completed and submitted to the MSP. ***Additionally, an MCP 723, “ATF Firearms Trace Request Form,” will be completed on every handgun recovered (refer to FC 723, “ATF Firearms Traces”).*** Officers should make every effort to obtain driver’s license and Social Security numbers before forwarding the form to MSP. If the investigating officer desires a copy of the MSP-97 for a case file, it should be made before the report package is submitted to Records Division.

- C. The **Records Division** will mail the original MSP-97 to the Superintendent of the Maryland State Police and file the copy at Headquarters.

- D. The Handgun Permit Section of the MSP will file the handgun search report and trace the weapon recovered to its last known owner. The Section will also verify any/all applicable handgun permits. Once the search is completed, the Handgun Permit Section of the MSP will report their findings to the originating officer.

IV. Proponent Unit: Training & Education Division

V. Cancellation

This directive cancels Function Code 725, effective date 06-25-98.

J. Thomas Manger
Chief of Police